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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EILEEN SAEDIO, an individual;

Plaintiff,

vs.

GEICO SECURE INSURANCE COMPANY,
a Nebraska Corporation; DOES 1 through 10,
and ROE CORPORATIONS 1 through 20,
inclusive,

Defendants.

Case No.: 2:21-cv-00551-GMN-BNW

**[PROPOSED] DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE
WITH LR 26-1(e)**

Plaintiff, Eileen Saedio (“Plaintiff”), by and through their Counsel, Jordan P. Schnitzer, Esq. of THE SCHNITZER LAW FIRM, and Defendant, Geico Secure Insurance Company (“Geico”), by and through its Counsel, Jonathan W. Carlson Esq. of the law firm MCCORMICK BARSTOW, LLP, hereby submit the following stipulated discovery plan and scheduling order pursuant to the provisions of Local Rule 26-1(d) and(e). Counsel for the Parties have conferred and, as a result, have agreed upon the following discovery plan and scheduling order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the preceding or next judicial day.

1. **Meeting:** Pursuant to FRCP 26(f), a meeting was held on July 2, 2021, and was attended telephonically by Jordan P. Schnitzer, Esq. of THE SCHNITZER LAW FIRM for

1 Plaintiff, and Jonathan W. Carlson Esq. of the law firm MCCORMICK BARSTOW, LLP for
2 Defendant, Geico.

3 2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties have
4 already made all required pre-discovery disclosures as of the date of filing of these Discovery
5 Plans or will within 14 days of the date of the conference.

6 3. **Areas of Discovery:** The parties agree that the areas of discovery should include,
7 but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil
8 Procedure.

9 4. **Discovery Plan:** Given the nature of the claimed injuries, as well as the inclusion
10 of extra-contractual claims, the Parties propose the following discovery plan:

11 a. Discovery Cut-off Date: The discovery cut-off date shall be July 2, 2022.

12 b. Amending the Pleadings and Adding Parties: The parties shall have until
13 April 5, 2022, to file any motions to amend the pleadings to add parties. This is 90 days before the
14 discovery cut-off date.

15 c. FRCP 26(a)(2) Disclosure of Experts: The disclosure of experts and their
16 reports shall occur on or before April 5, 2022. The disclosure of rebuttal experts and their reports
17 shall occur on or before May 4, 2022. These deadlines are 90 and 60 days before the discovery
18 cut-off date, respectively.

19 d. Interim Status Report: The parties shall file the interim status report by May
20 4, 2022, 60 days before the discovery cut-off date, as required by LR 26-3.

21 e. Dispositive Motions: The parties shall have until August 1, 2022, to file
22 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

23 f. Pre-Trial Order: The parties will prepare a Consolidated Pre-Trial Order on
24 or before August 31, 2022, which is not more than 30 days after the date set for filing dispositive
25 motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive
26 motions are timely filed until 30 days after the decision of the dispositive motions or until further
27 order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall
28 be made in the pre-trial order.

g. Extensions or Modifications of the Discovery Plan and Scheduling Order: LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not later than 21 days before the subject deadline. Any stipulation or motion to extend the discovery cut-off period must be made no later than June 13, 2022, 21 days before the discovery cut-off date.

5. **Other Items:**

a. Court Conferences: If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

b. Authorizations: Plaintiff will execute and provide the following forms, if Plaintiff has not already done so: (1) Provider-specific HIPAA-Compliant Authorizations for the Release of Patient Information dated five (5) years prior to Plaintiff's alleged injury for treatment to related body parts. Plaintiff agrees that said executed authorizations will be provided within 14 days of the date of the conference. Should additional authorizations be necessary, the Parties will meet and confer.

c. Format of Discovery: Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the FRCP 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, other than original photographs files, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

d. Electronic Service: The parties agree to accept service by e-mail of written discovery and disclosures. Service shall be considered complete upon acknowledgement by "read receipt" or email from the other party confirming receipt of the document.

e. The parties agree to increase the limit on interrogatories set forth in FRCP 33, including discrete subparts, to 40 rather than 25.

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6. **Alternative Dispute Resolution:** The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation, arbitration, and, if applicable, early neutral evaluation.

7. **Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73, and the use of the Short Trial Program (General Order 2013-01).

8. **Electronic Evidence:** The parties certify that they may present evidence in electronic format to jurors for the purpose of jury deliberations in compliance with the Court's electronic jury evidence display system.

9. **Reason for Special Scheduling Review Request:** The dates herein have been set out beyond the standard one hundred and eighty (180) days from the date of the filing of a responsive pleading for the following reasons:

The parties acknowledge the state of current affairs with respect to the COVID-19 pandemic and the impact it will likely have on the parties' ability to move the case along at a traditionally acceptable pace. Specifically, it is the parties' understanding that all percipient and person(s) most knowledgeable related to the insurance companies reside out of state. Further, GEICO specifically has issued a company directive that its employees are not permitted to travel nor attend in person depositions indefinitely.

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